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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,588	09/08/2003	Andrea C. Hughs-Baird	0112300-1410	9903

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EXAMINER

PANDYA, SUNIT

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/657,588	Applicant(s) HUGHS-BAIRD ET AL.	
	Examiner Sunit Pandya	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/20/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The Examiner considered the Information Disclosure Statement (IDS) submitted on December 11, 2003.

Drawings

2. The drawings were received on 10/20/2005. The examiner has accepted the drawing.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Astaneha (U.S. Patent No. 6,217,022) in view of Webb (U.S. Patent No. 6,336,860).

Astaneha teaches a gaming device as recited in claims 1, 13 and 24. The gaming device taught by Astaneha comprises:

a game operable upon a wager (Col. 2, lines 1-3 discloses of a gambling device, wherein a gambling device is operable upon a wager);

a display device (Figure 1 along with the related description discloses of the display device);

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a plurality of award values adapted to be displayed by the display device (different numbers and colors are displayed, wherein the each number and color combination has different values associated with it, Figure 1, Figure 3 and col. 5, lines 20-40);

a plurality of modifier values (or second values or second outcomes) adapted to be displayed by the display device (modifier values are displayed by different color and numbers, wherein each number and color has different values associated with it, Figure 1, Figure 3); and

an award adapted to be provided to the player based on at least one generated award value and at least one generated modifier value (col. 5-6, lines 20-21).

Astaneha does not teach a gaming device that comprises a plurality of characteristics including at least two of the same or related characteristics, wherein (a) at least one of the characteristics is associated with at least one of the award values and is adapted to be displayed by the display device in association with the award value; (b) at least one of the characteristics is associated with at least one of the modifier values and is adapted to be displayed by the display device in association with the modifier value; and (c) an additional award is adapted to be provided to the player if the generated award value and the generated modifier value include the same or related characteristics. In a related gaming device, Webb teaches game symbols having a first defining criteria (in the form of value, number, rank or another visual representation) and a second defining criteria (in the form of color or shape). See col. 7, line 65 to col. 8, line 2. Webb further teaches that the second defining criteria of the

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game symbols can be used to provide a player with an additional award when the second defining criteria of two or more game symbols is the same irrespective of the first defining criteria. See col. 6, lines 50-65. Webb teaches that awarding players additional awards based on matching the second defining criteria of game symbols, in addition to or in replacement of, the first defining criteria of game symbols provides the game operator the ability to offer a wide selection of games while enabling a player to play different games with varying payoffs and game volatility. See col. 8, lines 36-40. It would have been obvious for one skilled in the art at the time of the invention to incorporate the second defining criteria (in the form of color or shape) into the game symbols (award values and modifier values) of the gaming device taught by Astaneha in order to provide the game operator with the ability to offer a wide selection of games while enabling a player to play different games with varying payoffs and game volatility as desirably taught by Webb in col. 8, lines 36-40. Thus, the combination of Astaneha and Webb teaches a gaming device in which at least one characteristic (second defining criteria of Webb) is displayed in association with the game symbols (at least one of the award values and at least one of the modifier values of Astaneha), wherein an additional award is provided to the player if the game symbols (the generated award value and the generated modifier value of Astaneha) include the same or related characteristics (second defining criteria of Webb).

Regarding claims 2 and 14, the combination of Astaneha and Webb teaches displaying one of the plurality of award values or one of the plurality of modifier values on a wheel (Figure 1 of Astaneha).

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Regarding claims 3 and 15, the combination of Astaneha and Webb teaches displaying one of the plurality of award values or one of the plurality of modifier values on concentrically arranged wheels (Figure 1 of Astaneha and Col. 2, lines 11-29).

Regarding claims 4 and 16, the combination of Astaneha and Webb teaches displaying a plurality of selections wherein one of the award values or one of the modifier values are associated with the selections (Figure 1 of Astaneha discloses plurality of selections, Figure 3 of Astaneha discloses plurality of award values).

Regarding claims 5 and 17, the combination Astaneha and Webb teaches that the displayed selections are player selectable (Col. 5-6, lines 66-11 of Astaneha).

Regarding claims 6 and 18, the combination of Astaneha and Webb teaches at least one different characteristic is associated with at least one of the award values and at least one different characteristic is associated with at least one of the modifier values (Figure 3 of Webb along with the related description thereof, wherein different characteristics, in the form of colors or shapes, is associated with each game symbol).

Regarding claims 7, 8, 9, 19, 20 and 21, the combination of Astaneha and Webb teaches that one of the characteristics is associated with each of the award values and that one of the characteristics is associated with each of the modifier values (Figure 3 of Webb along with the related description thereof, wherein one of the characteristics, in the form of colors or shapes, is associated with each game symbol).

Regarding claim 10, the combination of Astaneha and Webb teaches that the modifier values each include a multiplier value (col. 2, lines 31-40, col. 7, lines 1-8 and figure 3 along with the related description thereof)

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Regarding claims 11 and 22, the combination of Astaneha and Webb teaches input devices which enable the player to accept or reject the award (Astaneha, enables the player to accept an offer, wherein accepting the offer by the player constitutes acceptance of an award and enables the player to reject the offer, wherein changing of the offer by the player constitutes rejection of an award, col. 5, lines 20-50). Also see col. 7, lines 7-18 of Webb, wherein a player may accept an award or reject the award for a secondary play.

Regarding claims 12 and 23, the combination of Astaneha and Webb teaches the additional award includes at least one repeat of the determination of the award, at least one credit, an additional modifier, or at least one free game or spin (col. 6, lines 50-65 of Webb, wherein the additional award is a payout including at least one credit).

Regarding claim 25, the combination of Astaneha and Webb teaches an additional one of the characteristics which is generated, wherein the additional award is increased if the additional characteristic includes the same or related characteristic (col. 2, lines 66-67 and col. 7, line 65 to col. 8, line 12 and Figure 3 of Webb, wherein the additional award is a payout based on the same defining criteria in the form of shape, color and letter which can be increased for different winning combinations).

Regarding claim 26, the combination of Astaneha and Webb teaches a method of operating a gaming device having a game operable upon a wager (Col. 2, lines 1-3 discloses of a gambling device, wherein a gambling device is operable upon a wager and Figure 3 of Webb along with the related description thereof). The method as taught by the combination of Astaneha and Webb comprises:

displaying a plurality of first values (different numbers and colors are displayed, wherein the each number and color combination has different values associated with it, Figure 1, Figure 3 and col. 5, lines 20-40);

displaying a plurality of second values adapted to be displayed by the display device (modifier values are displayed by different color and numbers, wherein each number and color has different values associated with it, Figure 1, Figure 3);

associating a characteristic with at least one of the first values (Figure 3 of Webb along with the related description thereof, wherein one characteristic, in the form of color or shape, is associated with each game symbol);

associating a characteristic with at least one of the second values (Figure 3 of Webb along with the related description thereof, wherein one characteristic, in the form of color or shape, is associated with each game symbol);

displaying an indication of one of the first values (value displayed, outer wheel, in Figure 1 of Astaneha along with the related description thereof);

displaying an indication of one of the second values (modifier displayed, inner wheel, in Figure 1 of Astaneha along with the related description thereof);

providing the player an award based on the indicated first value and the indicated second value (Figure 3, and col. 5-6, lines 20-21 and col. 7, lines 1-15); and

providing the player an additional award if the indicated first value and the indicated second value include the same or related characteristics (col. 6, lines 50-65 of Webb, wherein if two game symbols have the same characteristic, in the form of color or shape, the player is provided an additional award).

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Regarding claim 27, the combination of Astaneha and Webb teaches displaying one of the plurality of award values or one of the plurality of modifier values on a wheel (Figure 1 of Astaneha along with the related description thereof).

Regarding claim 28, the combination of Astaneha and Webb teaches displaying one of the plurality of award values or one of the plurality of modifier values on concentrically arranged wheel (Figure 1 of Astaneha along with the related description thereof).

Regarding claim 29, the combination Astaneha and Webb teaches displaying a plurality of selections wherein one of the award values or one of the modifier values are associated with the selections (Figure 1 and figure 3 of Astaneha along with the related description thereof and col. 5-6, lines 61-2)

Regarding claim 30, the combination of Astaneha and Webb teaches enabling the player to select at least one of the selections to determine the award value or the modifier value (Figure 1 and figure 3 of Astaneha along with the related description thereof and col. 6, lines 3-22).

Regarding claim 31, the combination of Astaneha and Webb teaches displaying a characteristic associated with each award value and displaying a characteristic associated with each modifier value (Figure 3 of Webb along with the related description thereof, wherein characteristics, in the form of colors or shapes, can each be associated with different game symbols).

Regarding claim 32, the combination of Astaneha and Webb teaches enabling the player to accept or reject the award (Astaneha, enables the player to accept an

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offer, wherein accepting the offer by the player constitutes acceptance of an award and enables the player to reject the offer, wherein changing of the offer by the player constitutes rejection of an award, col. 5, lines 20-50). Also see col. 7, lines 7-18 of Webb, wherein a player may accept an award or reject the award for a secondary play.

Response to Arguments

5. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is listed on the attached Notice of References Cited (PTO-892).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is (571) 272-2823. The examiner can normally be reached on M - F: 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert OLSZEWSKI can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SP

A handwritten signature in black ink, appearing to read "Corbett B. Coburn". The signature is fluid and cursive, with the first name "Corbett" being more prominent.

CORBETT B. COBURN
PRIMARY EXAMINER